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10/747,628	12/30/2003	Joseph Donald Ternasky	003797.00699	2915
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BANNER & WITCOFF, LTD. ATTORNEYS FOR CLIENT NOS. 003797 & 013797 1100 13th STREET, N.W. SUITE 1200 WASHINGTON, DC 20005-4051			KASSA, HILINA S	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/747,628	TERNASKY ET AL.
	Examiner	Art Unit
	Hilina S. Kassa	2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 06/02/2004

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-32 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-32 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 02 June 2004 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) Notice of References Cited (PTO-892)

4) Interview Summary (PTO-413)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

Paper No(s)/Mail Date. \_\_\_\_\_.

3) Information Disclosure Statement(s) (PTO/SB/08)

5) Notice of Informal Patent Application

Paper No(s)/Mail Date 12/30/2003.

6) Other: \_\_\_\_\_.

## DETAILED ACTION

### *Drawings*

1. Figures 1A and 1B should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner; the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### *Claim Rejections - 35 USC § 101*

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 1-13 and 21-32 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 1 is drawn to non-functional descriptive material. MPEP 2106.IV.B.1(a) (Nonfunctional Descriptive Material) states:

"Descriptive material that cannot exhibit any functional interrelationship with the way in which computing processes are performed does not constitute a statutory process, machine, manufacture or composition of matter and should be rejected under 35 U.S.C. 101."

"Where certain types of descriptive material, such as music, art, photographs and mere arrangements or compilations of facts or data, are merely stored so as to be read or outputted by a computer without creating any functional interrelationship, either as part of the stored data or as part of the computing process performed by the computer, then such descriptive material alone does not impart functionality either to the data as so structured, or to the computer."

"For example, music is commonly sold to consumers in the form of a compact disc. In such cases, the known compact disc acts as nothing more than a carrier for nonfunctional descriptive material. The purely nonfunctional descriptive material cannot alone provide the practical application for the manufacture."

MPEP 2106.IV.B.1 (Nonstatutory Subject Matter) states:

"When nonfunctional descriptive material is recorded on some computer-readable medium, it is not statutory since no requisite functionality is present to satisfy the practical application requirement".

4. Claims 1 and 23 currently recite "**a color characterization profile format**".

There is no functional relationship imparted by this data to a computing device.

Therefore, the claim is drawn to non-functional descriptive material which is non-statutory per se. The fact that the claim recites a computer readable medium does not provide the utility (i.e., practical application in the technological arts) required under 35 U.S.C. 101 for the manufacture.

5. Claim 21, currently recites "**a software architecture**", do not define a "computer-readable medium" and is thus non-statutory for that reason. A software architecture can range from paper on which the program is written, to a program simply contemplated and memorized by a person. The examiner suggests amending the claim

to state, "A computer-readable medium encoded with a software architecture..." in order to make the claim statutory.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 23- 25 and 30-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Newman et al. (US Publication Number 2005/0280853 A1).

**(1) regarding claim 23:**

Newman et al. discloses a color characterization profile (160, figure 4; paragraph [0041], lines 1-8; note that the color measurement profile corresponds to a specific device such as printer and the data in the aforementioned data fields represents the color characteristics) comprising: intra-device objective measurement data (paragraph [0013], lines 1-4, note that current measurement data of the involved color device is considered as the intra-device objective measurement data); analytical device model parameter data (paragraph [0013], lines 6-8; note that the gamut mapping step is considered as the analytical device model parameter data); and timing data

representing when the intra-device measurement data and analytical device model parameter data was last edited (paragraph [0036], lines 7-9; paragraph [0037], lines 10-14; note that the run-time data is stored in RAM 116 of figure 2 which also stores modified or updated data).

**(2) regarding claim 24:**

Newman et al. further discloses the color characterization profile of claim 23, wherein the analytical device model parameter data is derived from statistical analysis of a series of target measurements (paragraph [0041], lines 17-23; note that the target measurement get generated by the device).

**(3) regarding claim 25:**

Newman et al. further discloses the color characterization profile of claim 23, wherein the timing data determines which of the intra-device objective measurement data and the analytical device model parameter data is used by an application program (paragraph [0041], lines 1-29; paragraph [0059], lines 1-4).

**(4) regarding claim 30:**

Newman et al. further disclose the color characterization profile of claim 23, further comprising executable code (paragraph [0060], lines 6-9).

**(5) regarding claim 31:**

Newman et al. further disclose the color management characterization profile of claim 30, wherein the executable code provides instructions to translate the intra-device objective measurement data into color measurement representations (paragraph [0013], lines 1-18; note that the color management measurement data gets transformed to color management profiles).

**(6) regarding claim 32:**

Newman et al. further disclose the color management characterization profile of claim 30, wherein the executable code provides instructions to translate the analytical device model parameter data into color measurement representations (paragraph [0041], lines 23-27; note that the color characteristics measurement data is accessed and used by the color management module to generate device transforms for use in mapping color image data to or from the device corresponding to color measurement profile).

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nusser et al. (US Patent Number 7,093,296 B2, see IDS) and in view of Newman et al. (US Publication Number 2005/0280853).

**(1) regarding claim 1:**

As shown in figures 1 and 3 Nusser et al. discloses a container (102, figure 1), wherein said container is configured to provide digital rights management capabilities (column 3, lines 32-38; note that the capabilities of the digital rights management system is disclosed).

Nusser et al. discloses all of the subject matter as described as above except for specifically teaching a color characterization profile format comprising: a color management measurement data portion.

However, Newman et al. teaches a color characterization profile format (160, figure 4; paragraph [0041], lines 1-8; note that the color measurement profile corresponds to a specific device such as printer and the data in the aforementioned data fields represents the color characteristics) comprising: a color management measurement data portion (163; figure 4; paragraph [0041], lines 13-29; note that the color characteristic measurement data contains measurement data which represents the color behavior of the device and can include other measured day such as color points which represent the range of neutral grays of the device).

Nusser et al. and Newman et al. are combinable because they are from the same field of endeavor, such that both deal with digital image/video data. At the time of the

invention, it would have been obvious to a person of ordinary skilled in the art to have a color characterization profile format comprising a color management measurement data portion. The suggestion/motivation for doing so would have been in order to provide the ability to perform color management on color image data using current measurement data of the involved color devices (paragraph [0016], lines 1-4). Therefore, it would have been obvious to combine Nusser et al. with Newman et al. to obtain the invention as specified in claim 1.

**(2) regarding claim 2:**

Nusser et al. further disclose the color characterization profile format of claim 1, wherein said container includes at least one linked and embedded object (column 4, lines 23-30; note that embedded objects are specified as executable files executable functions and other processing objects. Also in column 5, lines 56-64; note that linked objects like wide verity of data types including audio, video, a database, or any other type of data which could be acquired with linked object).

**(3) regarding claim 3:**

Nusser et al. further disclose the color characterization profile format of claim 1, wherein said container includes extensible markup language (column 4, lines 44-45; note that digital rights management system confirms with the XML standard).

**(4) regarding claim 4:**

Nusser et al. further disclose the color characterization profile format of claim 1, wherein said container is an advanced systems format container (column 3, lines 51-55; note that as ADF is considered as the multi-media video, sound, text, database, documents or software application programs).

**(5) regarding claim 5:**

Nusser et al. further disclose the color characterization profile format of claim 1, wherein said container is configured to enable private data extensions (column 5, lines 30-46; note that digital rights management system verifies the authenticity of each extension module in order to preclude modified DPR modules).

**(6) regarding claim 6:**

Nusser et al. further disclose the color characterization profile format of claim 5, wherein said container is configured to operate interface description language (column 6, line 41-column 7, line 7; note that the interface description language is considered as the interface that is taken place with the combination media files and the DPR data package), wherein said container includes at least one linked and embedded object (column 4, lines 23-30; note that embedded objects are specified as executable files executable functions and other processing objects. Also in column 5, lines 56-64; note that linked objects like wide verity of data types including audio, video, a database, or any other type of data which could be acquired with linked object).

Nusser et al. disclose all of the subject matter as described as above except for specifically teaching to store a rendering intent separate from the color management measurement data portion.

However, Newman et al. disclose to store a rendering intent separate from the color management measurement data portion (paragraph [0039]-paragraph [0040], line 1-3).

Nusser et al. and Newman et al. are combinable because they are from the same field of endeavor. At the time of the invention, it would have been obvious to a person of ordinary skilled in the art to store a rendering intent separate from the color management measurement data portion. The suggestion/motivation for doing so would have been such that it provides the ability to perform color management on color image data using current measurement data every time color image data is rendered (paragraph [0016], lines 1-7). Therefore, it would have been obvious to combine Nusser et al. with Newman et al. to obtain the invention as specified in claim 6.

**(7) regarding claim 7:**

Nusser et al. further disclose the color characterization profile format of claim 1, wherein said container is configured to operate interface description language (column 6, line 41-column 7, line 7; note that the interface description language is considered as the interface that is taken place with the combination media files and the DPR data package).

**(8) regarding claim 8:**

Nusser et al. disclose all of the subject matter as described as above except for specifically teaching wherein said container is configured to store a rendering intent separate from the color management measurement data portion.

However, Newman et al. disclose wherein said container is configured to store a rendering intent separate from the color management measurement data portion (paragraph [0039]-paragraph [0040], line 1-3).

Nusser et al. and Newman et al. are combinable because they are from the same field of endeavor. At the time of the invention, it would have been obvious to a person of ordinary skilled in the art to store a rendering intent separate from the color management measurement data portion. The suggestion/motivation for doing so would have been such that it provides the ability to perform color management on color image data using current measurement data every time color image data is rendered (paragraph [0016], lines 1-7). Therefore, it would have been obvious to combine Nusser et al. with Newman et al. to obtain the invention as specified in claim 8.

**(9) regarding claim 9:**

Nusser et al. further disclose the color characterization profile format of claim 1, wherein said container is configured to be edited by a text editor application (column 4, lines 56-62; note that XML is one of the many text editor application).

**(10) regarding claim 10:**

Nusser et al. further disclose the color characterization profile format of claim 1, wherein said container is configured to prevent tampering (column 3, line 56-column 4, line 14; note that the data is secured from anybody trying to tamper it) with the color characterization profile format.

Nusser et al. teach all of the subject matter as described as above except for specifically teaching the color characterization profile format.

However, Newman et al. disclose the color characterization profile format (paragraph [0017], lines 1-2; note that the color management of color image data is performed).

Nusser et al. and Newman et al. are combinable because they are from the same field of endeavor. At the time of the invention, it would have been obvious to a person of ordinary skilled in the art to have data as a color characterization profile format. The suggestion/motivation for doing so would have been in order to advance security and management to generate an authorization for a desired type of access to a data set (column 2, lines 35-37). Therefore, it would have been obvious to combine Nusser et al. with Newman et al. to obtain the invention as specified in claim 10.

**(11) regarding claim 11:**

Nusser et al. further disclose the color characterization profile format of claim 1, wherein said container is operable across a plurality of operating platforms (column 10,

line 62-column 11, line 2; note that the digital rights management system could be implemented in one or different elements across several interconnected computer systems).

**(12) regarding claim 12:**

Nusser et al. further disclose the color characterization profile format of claim 1, wherein the container is configured to permit incorporation of executable code (column 11, lines 2-6; note that such systems method could be loaded and executed in computer system).

**(13) regarding claim 13:**

Nusser et al. disclose all of the subject matter as described as above except for specifically teaching the color characterization profile format of claim 12, wherein the executable code provides instructions to translate the color management measurement data portion into color management representations.

However, Newman et al. teach wherein the executable code provides instructions to translate the color management measurement data portion into color management representations (paragraph [0013], lines 1-18; note that the color management measurement data gets transformed to color management profiles).

Nusser et al. and Newman et al. are combinable because they are from the same field of endeavor, such that both deal with digital image/video data. At the time of the invention, it would have been obvious to a person of ordinary skilled in the art to have a

color characterization profile format comprising a color management measurement data portion. The suggestion/motivation for doing so would have been in order to provide the ability to perform color management on color image data using current measurement data of the involved color devices (paragraph [0016], lines 1-4). Therefore, it would have been obvious to combine Nusser et al. with Newman et al. to obtain the invention as specified in claim 13.

**(14) regarding claim 14:**

As shown in figures 1 and 3 Nusser et al. discloses a container (102, figure 1), wherein said container is configured to provide digital rights management capabilities (column 3, lines 32-38; note that the capabilities of the digital rights management system is disclosed).

Nusser et al. discloses all of the subject matter as described as above except for specifically teaching a computer-readable medium having a computer-executable data structure for maintaining a color characterization profile format, the data structure comprising: a color management measurement data portion.

However, Newman et al. teaches a computer-readable medium having a computer-executable data structure for maintaining a color characterization profile format the data format (160, figure 4; paragraph [0041], lines 1-8; note that the color measurement profile corresponds to a specific device such as printer and the data in the aforementioned data fields represents the color characteristics) comprising: a color management measurement data portion (163, figure 4; paragraph [0041], lines 13-29;

note that the color characteristic measurement data contains measurement data which represents the color behavior of the device and can include other measured day such as color points which represent the range of neutral grays of the device).

Nusser et al. and Newman et al. are combinable because they are from the same field of endeavor, such that both deal with digital image/video data. At the time of the invention, it would have been obvious to a person of ordinary skilled in the art to have a color characterization profile format comprising a color management measurement data portion. The suggestion/motivation for doing so would have been in order to provide the ability to perform color management on color image data using current measurement data of the involved color devices (paragraph [0016], lines 1-4). Therefore, it would have been obvious to combine Nusser et al. with Newman et al. to obtain the invention as specified in claim 14.

**(15) regarding claim 15:**

Nusser et al. further disclose the computer-readable medium of claim 14, wherein said container includes at least one linked and embedded object (column 4, lines 23-30; note that embedded objects are specified as executable files executable functions and other processing objects. Also in column 5, lines 56-64; note that linked objects like wide verity of data types including audio, video, a database, or any other type of data which could be acquired with linked object).

**(16) regarding claim 16:**

Nusser et al. further disclose the computer-readable medium of claim 14, wherein said container is configured to enable private data extensions (column 5, lines 30-46; note that digital rights management system verifies the authenticity of each extension module in order to preclude modified DPR modules).

**(17) regarding claim 17:**

Nusser et al. further disclose the color characterization profile format of claim 5, wherein said container is configured to operate interface description language (column 6, line 41-column 7, line 7; note that the interface description language is considered as the interface that is taken place with the combination media files and the DPR data package), wherein said container includes at least one linked and embedded object (column 4, lines 23-30; note that embedded objects are specified as executable files executable functions and other processing objects. Also in column 5, lines 56-64; note that linked objects like wide verity of data types including audio, video, a database, or any other type of data which could be acquired with linked object).

Nusser et al. disclose all of the subject matter as described as above except for specifically teaching to store a rendering intent separate from the color management measurement data portion.

However, Newman et al. disclose to store a rendering intent separate from the color management measurement data portion (paragraph [0039]-paragraph [0040], line 1-3).

Nusser et al. and Newman et al. are combinable because they are from the same field of endeavor. At the time of the invention, it would have been obvious to a person of ordinary skilled in the art to store a rendering intent separate from the color management measurement data portion. The suggestion/motivation for doing so would have been such that it provides the ability to perform color management on color image data using current measurement data every time color image data is rendered (paragraph [0016], lines 1-7). Therefore, it would have been obvious to combine Nusser et al. with Newman et al. to obtain the invention as specified in claim 17.

**(18) regarding claim 18:**

Nusser et al. further disclose the computer-readable medium of claim 14, wherein said container is configured to operate interface description language (column 6, line 41-column 7, line 7; note that the interface description language is considered as the interface that is taken place with the combination media files and the DPR data package).

**(19) regarding claim 19:**

Nusser et al. disclose all of the subject matter as described as above except for specifically teaching wherein said container is configured to store a rendering intent separate from the color management measurement data portion.

However, Newman et al. disclose wherein said container is configured to store a rendering intent separate from the color management measurement data portion (paragraph [0039]-paragraph [0040], line 1-3).

Nusser et al. and Newman et al. are combinable because they are from the same field of endeavor. At the time of the invention, it would have been obvious to a person of ordinary skilled in the art to store a rendering intent separate from the color management measurement data portion. The suggestion/motivation for doing so would have been such that it provides the ability to perform color management on color image data using current measurement data every time color image data is rendered (paragraph [0016], lines 1-7). Therefore, it would have been obvious to combine Nusser et al. with Newman et al. to obtain the invention as specified in claim 19.

**(20) regarding claim 20:**

Nusser et al. further disclose the computer-readable medium of claim 14, wherein said container is configured to be edited by a text editor application (column 4, lines 56-62; note that XML is one of the many text editor application).

**(21) regarding claim 21:**

As shown in figures 1 and 3 Nusser et al. discloses a container (102, figure 1), wherein said container is configured to provide digital rights management capabilities (column 3, lines 32-38; note that the capabilities of the digital rights management

system is disclosed); and at least one application program interface to access the at least one component (column 11, lines 28-33).

Nusser et al. discloses all of the subject matter as described as above except for specifically teaching a software architecture for maintaining a color characterization profile format, comprising: at least one component configured to maintain color management measurement data.

However, Newman et al. teaches a software architecture for maintaining a color characterization profile format (160, figure 4; paragraph [0041], lines 1-8; note that the color measurement profile corresponds to a specific device such as printer and the data in the aforementioned data fields represents the color characteristics) comprising: at least one component configured to maintain color management measurement data (163, figure 4; paragraph [0041], lines 13-29; note that the color characteristic measurement data contains measurement data which represents the color behavior of the device and can include other measured data such as color points which represent the range of neutral grays of the device).

Nusser et al. and Newman et al. are combinable because they are from the same field of endeavor, such that both deal with digital image/video data. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to have a color characterization profile format comprising at least one component configured to maintain color management measurement data. The suggestion/motivation for doing so would have been in order to provide the ability to perform color management on color image data using current measurement data of the involved color devices (paragraph

[0016], lines 1-4). Therefore, it would have been obvious to combine Nusser et al. with Newman et al. to obtain the invention as specified in claim 21.

**(22) regarding claim 22:**

Nusser et al. further disclose the software architecture of claim 21, wherein the at least one application program interface is configured to access the at least one component responsive to a request (column 11, lines 28-33; column 3, lines 58-64).

10. Claims 26-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Newman et al. (US Publication Number 2005/0280853) and in view of Nusser et al. (US Patent Number 7,093,296 B2, see IDS).

**(1) regarding claim 26:**

Newman et al. disclose all of the subject matter as described as above except for specifically teaching the color characterization profile of claim 23, further comprising a container, wherein the container is configured to provide digital rights management capabilities.

However, Nusser et al. teaches a container (102, figure 1), wherein the container is configured to provide digital rights management capabilities (column 3, lines 32-38; note that the capabilities of the digital rights management system is disclosed).

Newman et al. and Nusser et al. are combinable because they are from the same field of endeavor. At the time of the invention, it would have been obvious to a person of ordinary skilled in the art to have a container wherein the container is configured to provide digital rights management capabilities. The suggestion/motivation for doing so would have been in order to achieve a secure data access (column 2, lines 35-41). Therefore, it would have been obvious to combine Newman et al. with Nusser et al to obtain the invention as specified in claim 26.

**(2) regarding claim 27:**

Newman et al. further disclose the intra-device objective measurement data (paragraph [0013], lines 1-4, note that current measurement data of the involved color device is considered as the intra-device objective measurement data); the analytical device model parameter data (paragraph [0013], lines 6-8; note that the gamut mapping step is considered as the analytical device model parameter data).

Newman et al. disclose all of the subject matter as described as above except for specifically teaching wherein the digital rights management capabilities prevent changes to data.

However, Nusser et al. disclose all of the subject matter as described as above except for specifically teaching wherein the digital rights management capabilities prevent changes to data (column 3, line 56-column 4, line 14; note that the data is secured from anybody trying to tamper it).

Newman et al. and Nusser et al. are combinable because they are from the same field of endeavor. At the time of the invention, it would have been obvious to a person of ordinary skilled in the art wherein the digital rights management capabilities prevent changes to data. The suggestion/motivation for doing so would have been in order to achieve a secure data access (column 2, lines 35-41). Therefore, it would have been obvious to combine Newman et al. with Nusser et al to obtain the invention as specified in claim 27.

**(3) regarding claim 28:**

Newman et al. disclose all of the subject matter as described as above except for specifically teaching the color characterization profile of claim 26, wherein the container includes extensible markup language.

However, Nusser et al. disclose wherein the container includes extensible markup language (column 4, lines 44-45; note that digital rights management system confirms with the XML standard).

Newman et al. and Nusser et al. are combinable because they are from the same field of endeavor. At the time of the invention, it would have been obvious to a person of ordinary skilled in the art wherein the container includes extensible markup language. The suggestion/motivation for doing so would have been in order to facilitate data sharing across different systems. Therefore, it would have been obvious to combine Newman et al. with Nusser et al to obtain the invention as specified in claim 28.

**(4) regarding claim 29:**

Newman et al. disclose all of the subject matter as described as above except for specifically teaching the color characterization profile of claim 26, wherein the container is an advanced systems format container.

However, Nusser et al. disclose wherein the container is an advanced systems format container (column 3, lines 51-55; note that as ADF is considered as the multi-media video, sound, text, database, documents or software application programs).

Newman et al. and Nusser et al. are combinable because they are from the same field of endeavor. At the time of the invention, it would have been obvious to a person of ordinary skilled in the art wherein the container is an advanced systems format container. The suggestion/motivation for doing so would have been in order to facilitate variety of application programs. Therefore, it would have been obvious to combine Newman et al. with Nusser et al to obtain the invention as specified in claim 29.

**Conclusion**

11. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Hilina Kassa whose telephone number is (571) 270-1676.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Twyler Lamb could be reached at (571) 272- 7406.

Any response to this action should be mailed to:

Commissioner of Patent and Trademarks

Application/Control Number:  
10/747,628  
Art Unit: 2625

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Washington, D.C. 20231

**Or faxed to:**

**(703) 872-9314 (for Technology Center 2600 only)**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Hilina Kassa

December 18, 2007

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